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IN THE

Supreme Court of the United States

OCTOBER TERM, 1961.

No. 814

IN RE APPLICATION OF ARTHUR J. PLANTAMURA FOR ADMISSION TO THE BAR.

REPLY TO RESPONDENT'S BRIEF ON PETITION FOR WRIT OF CERTIORARI.

ARTHUR J. PLANTAMURA,
69 Edgewood Avenue,
Springdale, Connecticut.
Petitioner pro se.

Of Counsel:
WM. I. McCULLOUGH, JR.
5615 Elberton Court,
Hyattsville, Maryland.

The respondent's brief (p. 1, ¶ d; p. 7, last ¶ and p. 10, 3rd ¶) presents as a reason for opposition to the Petition that petitioner has declined and refused to take the written examination. This point is raised for the first time by respondent. There is no support for that allegation. Furthermore, it is immaterial to the rule under consideration.

The fact that petitioner persists in his contention that he meets all the qualifications under Sec. 8 of the rules and has been denied admission for an unsound reason should not be construed as a refusal to take the bar examination. Petitioner proceeded according to the rule (Sec. 8) under which he believes himself qualified and on the ground that he must first utilize all judicial remedies afforded to obtain admission on motion without written examination or be foreclosed from such course. Moreover, petitioner considers it salutary to the profession that there be a judicial review of the arbitrary requirement presented in this matter.

If the written examination route to admission could be construed as ipso facto providing the "qualification" of court appearance then there might be some merit to respondent's contention (p. 4 respondent's brief) that petitioner does not qualify under Sec. 8 of the rules. However, both the procedure governing admission by written examination and the procedure for admission on motion have the same safeguards of fitness, education, moral character, etc. Furthermore, one seeking admission on motion additionally must demonstrate actual practice of law for at least five years which petitioner has done.

Respondent's emphasis on the availabilty to petitioner of the rule governing admission by examina-

tion is seemingly intended to detract from the essence of the matter relating to the misuse of the particular rule (Sec. 8) which is here under consideration.

The premise that Sec. 8 which governs admission on motion was established under proper authority of the State through its judiciary is not disputed. The requirement of court appearances, however, is one not previously applied in decisions interpreting the rule in question so that even though the rule may have a rational connection when applied in a normal, fair and legally consistent sense, it has been rendered arbitrary and discriminatory in the decision below in its application.

A rule governing admission to the bar of a state is a valid exercise of state power. But the power is not absolute; it is subject to constitutional restraints. Moreover, once a rule is adopted pursuant to this power, it is subject to review when it subsequently becomes discriminatory or when the state's interpretation lacks substantial relation to the object which is sought to be obtained.

Respectfully submitted,

ARTHUR J. PLANTAMURA,
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Springdale, Connecticut,
Petitioner.

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